C.F. 1001 SINGLE BENCH (D)

(3)

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE

W.P. No.2958/2005

PETITIONER: M/S Panchsheel Engineering works, 8-A,Industrial Area, Tifra, Bilaspur, through the Proprietor S.Murgesh Soni.

VERSUS

RESPONDENTS: 1. The Employees' Provident Fund Organization, Ministry of Labour, Govt. of India through the Regional Provident Fund Commissioner, Regional Office, Raipur (C.G)

2. The Regional Provident Fund Commissioner Compliance. Employees Provident Funds & Miscellaneous Provisions Act 1952, Regional Office, Raipur [C.G]

3. Recovery Officer, E.P.F Act.1952, Chhattisgarh ,Raipur

P.R. No. 3104/05 Presented on 31/6/05 dated

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA WRIT/ORDER OR DIRECTION

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(45)

आदेश पत्रक

मामला क्रमांक ...W.P.No...2.9.8 / 05 **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-7-2005

Heard Shri Ajay Dwivedi, counsel for the petitioner.

The instant petition has been filed challenging the legality of the recovery certificate dated 25-2-2005 issused by respondent No.2 whereby it has been directed to recover an amount of Rs.5,24,883/-.

The case of the petitioner is that the petitioner firm suo motu applied to respondents No.1 and 2 for registration under Employees' Provident Fund Act, 1952 upon which the code No.CG/17049 was allotted under Annexure-P/1.Thereafter, the petitioner deposited the amount due against him through challan which is evident from Annexure-P/2, even then respondent No.2 issued recovery certificate dated 25-2-2005 under Annexure-P/3 without giving any show cause or without giving an opportunity to explain to the petitioner .

Learned counsel for the petitioner submitted that the petitioner may be allowed to make a detailed representation to respondent No.2 as the order in question was passed ex-parte and in turn respondent No.2 be directed to consider the representation of the petitioner.

Having heard learned counsel for the petitioner and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all his grievances before respondent No.2 within a period of 10 days and respondent No.2 is directed to decide the representation within another 30 days from the date of receipt of the representation after considering all the points raised by the petitioner in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2491/2005 and I.A. No.5830/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

(पीछे देखिये)